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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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DISTRICT OF MARYLAND

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MAR 19 2013

UNITED STATES OF AMERICA

: CRIMINAL NO. CCB-13-0131

v.

: (Conspiracy to Commit Bank Fraud;
: 18 U.S.C. §1349; Bank Fraud, 18 U.S.C.
: § 1344; Aggravated Identity Theft,
: § 1028A(a)(1) and (c)(5); and
: Aiding and Abetting, 18 U.S.C. § 2)

:

Defendants.

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INDICTMENT

COUNT ONE

(Bank Fraud Conspiracy)

The Grand Jury for the District of Maryland charges that:

At all times material to the Indictment:

1. Defendants **ASHLEY NICOLE AVERY, TYRONE KEVIN GREGG, and KEIR HICKS, a/k/a "Mouse,"** were residents of the state of Maryland.
2. Kohls is a retail store with locations throughout Maryland and the United States. Kohls offered a credit card, including instant credit, through in-store applications, telephone applications, on-line applications over the Internet, and mail-in applications. These cards were issued by Capital One Bank, N.A.
3. Capital One Bank, N.A. is a financial institution, the deposits of which are insured by the Federal Deposit Insurance Corporation (FDIC). Capital One Bank, N.A., is headquartered in Glen Allen, Virginia, but does business worldwide.

4. A social security account number (commonly referred to, and referred to herein, as "social security number") is a 9-digit number issued to citizens, permanent residents and temporary (working) residents under section 205(c)(2) of the Social Security Act, 42 U.S.C. § 405(c)(2). The number is issued to an individual by the Social Security Administration, a component of the United States Department of Health and Human Services. Its primary purpose is to identify individuals who contribute to the social security fund and to track individuals for taxation purposes. It is also used as a means of identification. Only the individual to whom a social security number is assigned may lawfully use that number.

Manner and Means of the Conspiracy and the Scheme and Artifice to Defraud

5. From on or about May 8, 2012 through on or about August 17, 2012, in the District of Maryland, defendants **ASHLEY NICOLE AVERY, TYRONE KEVIN GREGG, and KEIR HICKS, a/k/a "Mouse,"** and others known and unknown to the Grand Jury, conspired and agreed together to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud financial institutions, and to obtain and attempt to obtain monies, funds and credits of financial institutions, and under the custody and control of financial institutions, through false and fraudulent pretenses, representations and promises, as set forth more specifically below.

6. It was a part of the scheme and artifice to defraud that defendant **KEIR HICKS, a/k/a "Mouse,"** would use the personal identification information of individuals, without their knowledge and consent, to manufacture fake, false and fraudulent identification documents bearing the personal identification information of the victims and the photograph of defendants **ASHLEY NICOLE AVERY and TYRONE KEVIN GREGG ,** and others known and unknown to the grand jury.

7. It was further a part of the scheme and artifice to defraud that defendant **KEIR HICKS, a/k/a "Mouse,"** would provide to defendants **ASHLEY NICOLE AVERY** and **TYRONE KEVIN GREGG**, and others known and unknown to the grand jury, the fake, false and fraudulent identification cards which he had manufactured using the personal identity information of victims, without their knowledge and consent, and the photographs of his co-conspirators.

8. It was further a part of the scheme and artifice to defraud that defendants **ASHLEY NICOLE AVERY** and **TYRONE KEVIN GREGG** used the personal identification information of other individuals without their knowledge and consent, and the fake, false and fraudulent identification documents manufactured by defendant **KEIR HICKS, a/k/a "Mouse,"** to open fraudulent credit accounts at retail stores and use the fraudulently-obtained credit for their own purposes and benefit.

9. It was a further part of the scheme and artifice to defraud that defendants **ASHLEY NICOLE AVERY** and **TYRONE KEVIN GREGG**, and others known and unknown to the Grand Jury, used the names, social security numbers, and addresses which had been fraudulently obtained and the fake, false and fraudulent identification documents manufactured by defendant **KEIR HICKS, a/k/a "Mouse,"** to apply for instant credit at stores located in Maryland. Such applications were usually made in person by **ASHLEY NICOLE AVERY** and **TYRONE KEVIN GREGG** and others known and unknown to the Grand Jury.

10. It was a further part of the scheme and artifice to defraud that defendants **ASHLEY NICOLE AVERY** and **TYRONE KEVIN GREGG**, and others known and unknown to the Grand Jury, used the fraudulently-opened credit accounts and, if required, the fake, false and fraudulent identification documents manufactured by defendant **KEIR HICKS, a/k/a "Mouse,"** to make

purchases on "instant credit" before the fraudulently-obtained credit cards were received by the victims.

11. It was further part of the scheme and artifice to defraud that defendants that **ASHLEY NICOLE AVERY, TYRONE KEVIN GREGG, and KEIR HICKS, a/k/a "Mouse,"** and others known and unknown to the Grand Jury, fraudulently obtained credit in amounts exceeding \$100,000, from over 10 institutional and individual victims during the course of the scheme.

The Charge

12. Beginning on or about May 8, 2012, through on or about August 17, 2012, in the District of Maryland, defendants **ASHLEY NICOLE AVERY, TYRONE KEVIN GREGG, and KEIR HICKS, a/k/a "Mouse,"** and others known and unknown to the Grand Jury, conspired and agreed together to knowingly and willfully execute and attempt to execute a scheme and artifice to defraud financial institutions, and to obtain and attempt to obtain monies, funds and credits of financial institutions, and under the custody and control of financial institutions, by means of materially false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

18 U.S.C. §1349

COUNT TWO
(Bank Fraud)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 11 of Count One are hereby incorporated by reference as though fully set forth herein.
2. On or about August 7, 2012, in the District of Maryland, the defendants,

**ASHLEY NICOLE AVERY
TYRONE KEVIN GREGG, and
KEIR HICKS, a/k/a "Mouse,"**

knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: **TYRONE KEVIN GREGG**, assisted by **ASHLEY NICOLE AVERY** and using a fake, false and fictitious identification cards manufactured by **KEIR HICKS**, a/k/a "Mouse," used the name and social security account number of "JG" without his consent to establish a Kohl's credit account through Capital One Bank, N.A.

18 U.S.C. § 1344
18 U.S.C. § 2

COUNT THREE
(Aggravated Identity Theft)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 11 of Count One are hereby incorporated by reference as though fully set forth herein.
2. On or about August 7, 2012, in the District of Maryland, the defendants,

**ASHLEY NICOLE AVERY
TYRONE KEVIN GREGG, and
KEIR HICKS, a/k/a "Mouse,"**

did, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), knowingly transfer, possess and use, without lawful authority, a means of identification of another person, to wit: the defendants transferred, possessed, and used the name and social security number of "JG" during and in relation to bank fraud conspiracy under 18 U.S.C. §1349, as set forth in Count One of the Indictment and bank fraud under 18 U.S.C. §1344, as set forth in Count Two of the Indictment.

18 U.S.C. §§ 1028A(a)(1)and (c)(5)
18 U.S.C. § 2

COUNT FOUR
(Bank Fraud)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 11 of Count One are hereby incorporated by reference as though fully set forth herein.
2. On or about August 17, 2012, in the District of Maryland, the defendants,

**ASHLEY NICOLE AVERY
TYRONE KEVIN GREGG, and
KEIR HICKS, a/k/a "Mouse,"**

knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, assets, and other property owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations and promises, to wit: **TYRONE KEVIN GREGG**, assisted by **ASHLEY NICOLE AVERY** and using a fake, false and fictitious identification card manufactured by **KEIR HICKS**, a/k/a "Mouse," used the name and social security account number of "JM" without his consent to establish a Kohl's credit account through Capital One Bank, N.A.

18 U.S.C. §1344
18 U.S.C. §2

COUNT FIVE
(Aggravated Identity Theft)

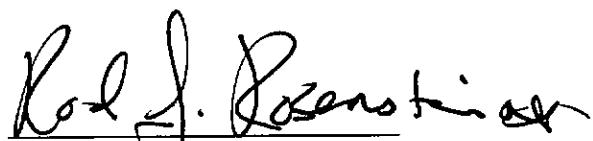
The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 11 of Count One are hereby incorporated by reference as though fully set forth herein.
2. On or about August 17, 2012, in the District of Maryland, the defendants,

**ASHLEY NICOLE AVERY
TYRONE KEVIN GREGG, and
KEIR HICKS, a/k/a "Mouse,"**

did, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), knowingly transfer, possess and use, without lawful authority, a means of identification of another person, to wit: the defendants transferred, possessed, and used the name and social security number of "JM" during and in relation to bank fraud conspiracy under 18 U.S.C. §1349, as set forth in Count One of the Indictment and bank fraud under 18 U.S.C. §1344, as set forth in Count Four of the Indictment.

18 U.S.C. §§ 1028A(a)(1) and (c)(5)
18 U.S.C. § 2


Rod J. Rosenstein
United States Attorney

A TRUE BILL
SIGNATURE REDACTED

Foreperson

Date: 3-19-13